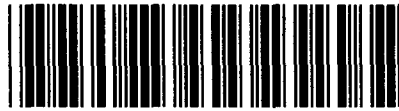


Control Number: 48785



Item Number: 185

Addendum StartPage: 0

COG OPERATING LLC
JUNE 5, 2019

SOAH DOCKET NO. 473-19-1265
PUC DOCKET NO. 48785

RECEIVED
2019 JUN -5 PM 3:25
PUBLIC UTILITY COMMISSION
FILING CLERK
BEFORE THE

APPLICATION OF ONCOR §
ELECTRIC DELIVERY CO, AEP §
TEXAS INC. AND LCRA §
TRANSMISSION SERVICES §
CORPORATION TO AMEND §
THEIR CERTIFICATES OF §
CONVENIENCE AND NECESSITY §
FOR 345-KV TRANSMISSION §
LINES IN PECOS, REEVES, AND §
WARD COUNTIES, TEXAS §

PUBLIC UTILITY COMMISSION

OF TEXAS

**UNOPPOSED MOTION TO REOPEN THE RECORD
TO ADMIT LANDOWNER CONSENT FORMS**

TO THE HONORABLE COMMISSION:

COMES NOW, COG Operating LLC¹ (Concho) to file this unopposed² motion to reopen the record to admit Exhibit 5-K11-4, the final landowner consent form for Link K11, and Exhibit 5-J1-2, the final consent required for Link J1/J7. To support its motion, Concho respectfully shows:

I. Background

The evidentiary record in this docket closed on March 19, 2019. Since the record closed, Concho obtained additional consent forms from landowners affected by a Concho-proposed modifications. Attached to this motion is Exhibit 5-K11-4, the final required landowner consent form for Link K11 and Exhibit 5-J1-2, the final required landowner consent form for Links L1/J7. Good cause exists to reopen the record to admit this exhibit and additional evidence provided since the evidentiary record closed.

¹ COG Operating LLC operates as a wholly-owned subsidiary of Concho Resources Inc.

² Counsel for these parties indicated they do not oppose this motion: Oncor, AEP, Commission Staff, Oxy, Plains Marketing and Plains Pipeline, and Forrister Generation-Skipping Trust and Alan Zeman.

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Concho's Motion to Reopen the Record to Admit Landowner Consent Forms

II. Request to reopen the record

Concho worked diligently to obtain consents from all the affected surface landowners. With the admission of Mr. Dennard's consent into the record, Concho will have provided all necessary landowner consent forms Link K11. Link K11 is part of Route 325. With the admission of Barking Dog Properties' consent into the record, Concho will have provided all necessary landowner for Links J1/J7. Links J1/J7 are part of Route 320.

III. COG Operating LLC's Exhibit 5

As discussed in Concho's initial brief, alternative facilities configurations will have a less negative effect on Concho's and Oxy's oil and gas operations and address Concho's safety concerns. Concho identified, contacted, and obtained consent forms from all surface owners affected by the K11 and J1/J7 modifications.

Concho's proposed Link K11

Concho's proposed K11 modification affects only tracts: 122, 140, 142, 173, 175, 230, and 362. The Applicants estimate the modification will increase the cost of Route 325 by approximately \$68,000.³ Concho identified several landowners affected by Link K11.

Tract(s) Owned	Owner	Consented
199, 200, 201, 202, 92, 147, 148, 173, 174, 174.1, 175, 213, 286, 287, 288, 288.1, 290, 291, 293, 392, 405	Hanging H Ranches Inc.	Yes ⁴
140, 141.1, 142, 143, 144, 145, 146, 362, 364	Hoefs Ranch LLC	Yes ⁵
1, 3, 4, 5, 6, 7, 8, 10, 11, 14, 17, 18, 19	McCoy Remme Ranches LTD f/k/a McCoy Land & Cattle Co	Yes ⁶

³ Applicants Ex. 12, Peppard Rebuttal at 12.

⁴ Concho Ex. 5-K11-3.

⁵ Concho Ex. 5-K11-1.

⁶ Concho Ex. 5-K11-3.

Concho's Motion to Reopen the Record to Admit Landowner Consent Forms

Tract(s) Owned	Owner	Consented
121.1, 122, 123, 125, 126	McCoy Land & Cattle Co	Yes ⁷
230	Scarbrough, M.A. Heirs	Yes ⁸
122	Wolf Camp Properties, LLC	Yes ⁹

Concho's proposed J1/J7 modification¹⁰

The yellow-dashed line in the figure below is the link proposed in the application. The proposed consent alternative is shown in blue. The Applicants estimate the modification will increase the cost of Route 320 or Route 41 by approximately \$600,000.¹¹ Besides avoiding Concho's wells and facilities, the consented-to modification moves closer to the section line and better conforms to the Commission's interest in paralleling property lines. Concho's proposed

⁷ *Id.*

⁸ Concho obtained consent forms from these M.A. Scarbrough heirs:

Adams, Myrtle May (Concho Ex. 5-K11-1).

Cannon, Brenda & Ron (Concho Ex. 5-K11-1).

Dennard, Jr., Mack (Concho Ex. 5-K11-4).

Dennard, Ronald David (Concho Ex. 5-K11-1).

Dickinson, Glynda V. (Concho Ex. 5-K11-1).

Dyer, Larry (Concho Ex. 5-K11-1).

Emerson, Jane (Concho Ex. 5-K11-1).

Emerson, Jane Co-Trustee of the Joy Hackleman Trust (Concho Ex. 5-K11-1).

Hackleman, Billy Wade (Concho Ex. 5-K11-1).

Holder, James & Deborah (Concho Ex. 5-K11-1).

Kincer, Norma (Concho Ex. 5-K11-1).

Moran, Samuel B. (Concho Ex. 5-K11-1).

Nelson, Joyce C. (Concho Ex. 5-K11-1).

Riley, Charlene (Concho Ex. 5-K11-1).

Scarbrough, Burrell Lee (Concho Ex. 5-K11-1).

Scarbrough, J.B. (Concho Ex. 5-K11-1).

Scarbrough, James Wendell (Concho Ex. 5-K11-1).

Stephens, Billy Joe (Concho Ex. 5-K11-2).

Stephens, Garry Lee (Concho Ex. 5-K11-1).

Stringfield, Russell Eugene (Concho Ex. 5-K11-1).

Workman, Linda Fae (Concho Ex. 5-K11-1).

Young, Roberta Nell Copeland (Concho Ex. 5-K11-1).

⁹ Concho Ex. 5-K11-1.

¹⁰ During the collaboration with the Applicants and Oxy, Concho's J7 modification became referred to as the J1/J7 modification.

¹¹ Applicants Ex. 12, Peppard Rebuttal at 12.

Concho's Motion to Reopen the Record to Admit Landowner Consent Forms

modification on Links J1 and J7 affects three landowners who own tracts 14, 80, 82, and 84, 145, and 146. All three landowners consented to the modifications.¹²

J1/J7 Tract	Noticed? Att. 14	Owner	Consented
14	Yes	Barking Dog Properties ¹³	Yes ¹⁴
80, 82, 84	Yes	Collier Enterprises Inc.	Yes ¹⁵
145, 146	Yes	Hoefs Ranch LLC	Yes ¹⁶

IV. Conclusion

WHEREFORE, PREMISES CONSIDERED, COG Operating LLC respectfully requests the Commission reopen the record and admit COG Operating LLC Ex. 5 (5-K11-4, and 5-J7-1) and grant such further relief to which Concho may be entitled.

¹² A previous Concho filing identified three landowners of a Tract 240 from whom consent was required for the J1/J7 modification. Because the consent modification colored in blue turns west sooner than the Concho-proposed modification, Tract 240 is not affected by the consent modification and consent from those landowners is not required.

¹³ AEP identified this landowner as a landowner from whom consent is required after the May 23, 2019 open meeting.

¹⁴ Concho Ex. 5-J7-3.

¹⁵ Concho Ex. 5-J7-1.

¹⁶ *Id.*

Concho's Motion to Reopen the Record to Admit Landowner Consent Forms

Respectfully submitted,

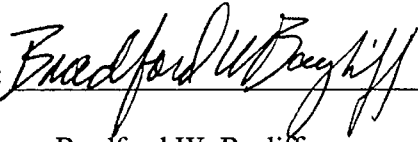
BAYLIFF LAW FIRM PLLC

420 Crosswind Drive

Blanco, Texas 78606

(512) 480-9900

(512) 480-9200 (facsimile)

By: _____

Bradford W. Bayliff

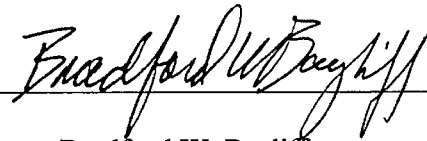
State Bar No. 24012260

Brad@Bayliff.Law

ATTORNEY FOR COG OPERATING LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of June 2019, this document is being filed with the Public Utility Commission's Central Records office for posting on its Interchange system and served via email on parties.

_____

Bradford W. Bayliff

COG OPERATING LLC
EX. 5-K11-4
K11 Surface Landowner Consent Form

PUCT Docket No. 48785
PROPOSED ROUTE MODIFICATIONS CONSENT AGREEMENT
Link K11, Mack W. Dennard, Jr. Portion

This document provides consent of the undersigned landowner (Landowner) to modifications to a potential route to construct a 345 kV transmission line in a pending application of Oncor Electric Delivery Company LLC (Oncor) and AEP Texas Inc. (AEP) for a certificate of convenience and necessity filed with the Public Utility Commission of Texas (PUCT).

Landowner is executing this document at the request of COG Operating LLC, a wholly-owned subsidiary of Concho Resources Inc. (together, Concho). Landowner acknowledges Concho proposes or supports modifications (Proposed Modifications) to Link K11, which Oncor and AEP proposed in their application in PUCT Docket No. 48785.

Landowner affirms Landowner owns the land underlying the Proposed Modifications depicted in Exhibit A attached to this agreement. Oncor's and AEP's proposed Link K11 is indicated by a yellow dashed and dotted line in Exhibit A. Landowner acknowledges the Proposed Modifications would cause Link K11 to be constructed along the blue line depicted in Exhibit A. If the PUCT approves a route including Link K11, Landowner prefers for Oncor and AEP to route the to-be-constructed electric transmission line along the path following the blue line depicted in Exhibit A. Exhibit B shows the landowners in the area of the Proposed Modifications.

Oncor and AEP will only construct a transmission line using the Proposed Modifications if the PUCT approves in Docket No. 48785 a route including Link K11 and the Proposed Modifications.

Landowner agrees Concho may file this agreement with the PUCT as evidence of Landowner's notice of, and agreement and consent to, the Proposed Modifications and location of the to-be-constructed transmission line if the PUCT approves a route containing Link K11 and the Proposed Modifications. This agreement does not grant an easement or construction rights.

This document may be performed in separate counterparts.

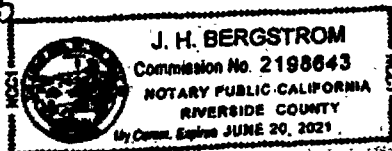
Landowner, Mack W. Dennard, Jr.

By: [Signature]
Name: Mack W. Dennard
Title: Owner/Land

5-24-2019
Date


SUBSCRIBED AND SWORN TO before me by MAC W. DENNARD on this 24 day of
February, 2019.

[Signature]



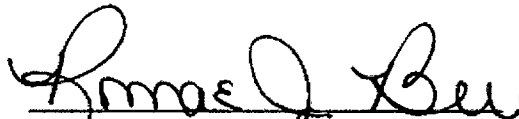
[Signature]
Notary Public

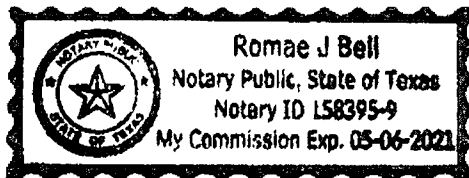
COG OPERATING LLC

By: 
Mark A. Carter
Attorney-in-Fact

STATE OF TEXAS §
§
COUNTY OF MIDLAND §

This instrument was acknowledged before me on May 28, 2019 by **Mark A. Carter, Attorney-in-Fact for COG Operating LLC**, a Delaware limited liability company, on behalf of said limited liability company.


Notary Public, State of Texas



PUCT Docket No. 48785
PROPOSED ROUTE MODIFICATIONS CONSENT AGREEMENT
Link K11, Mack W. Dennard, Jr. Portion

Exhibit A

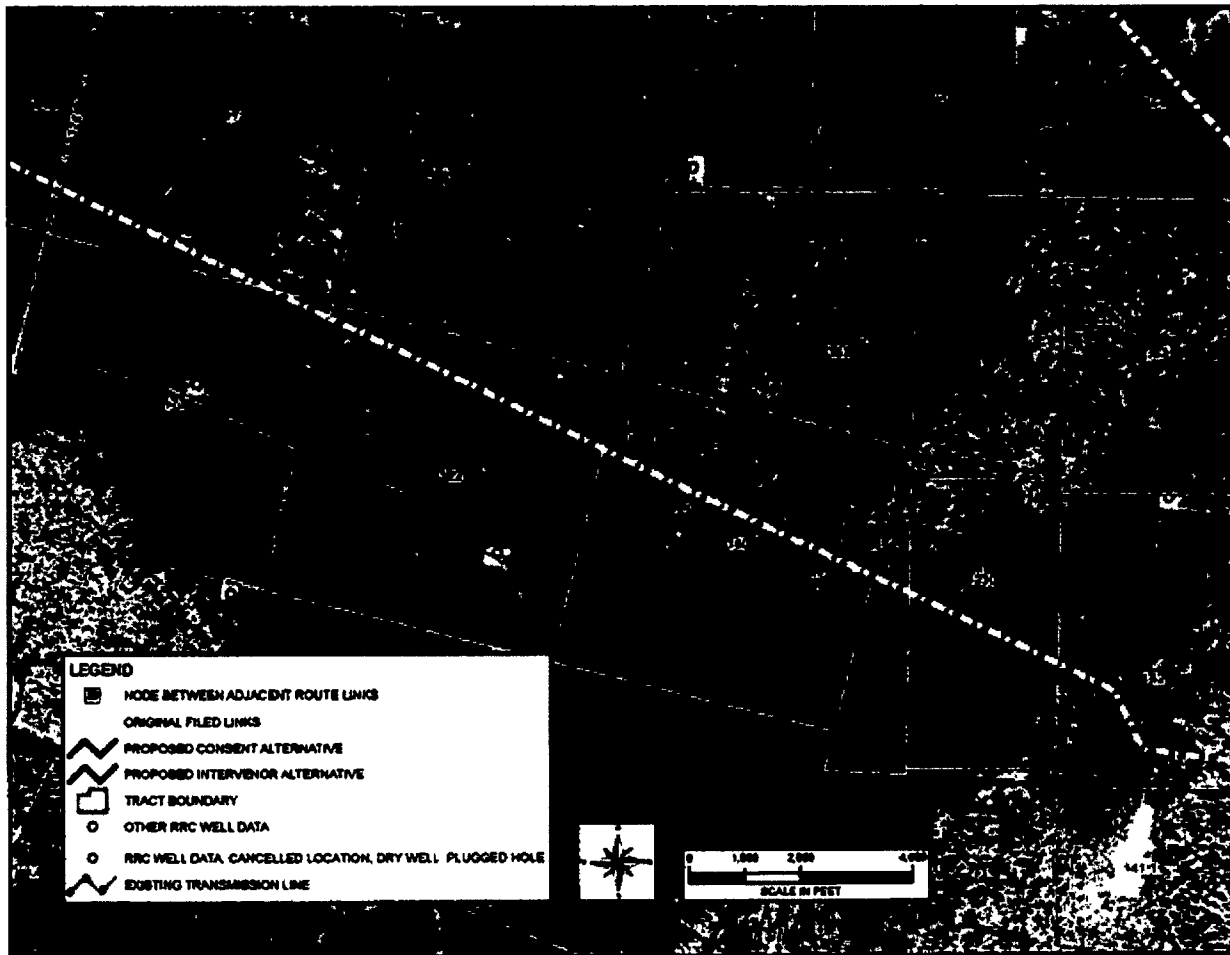
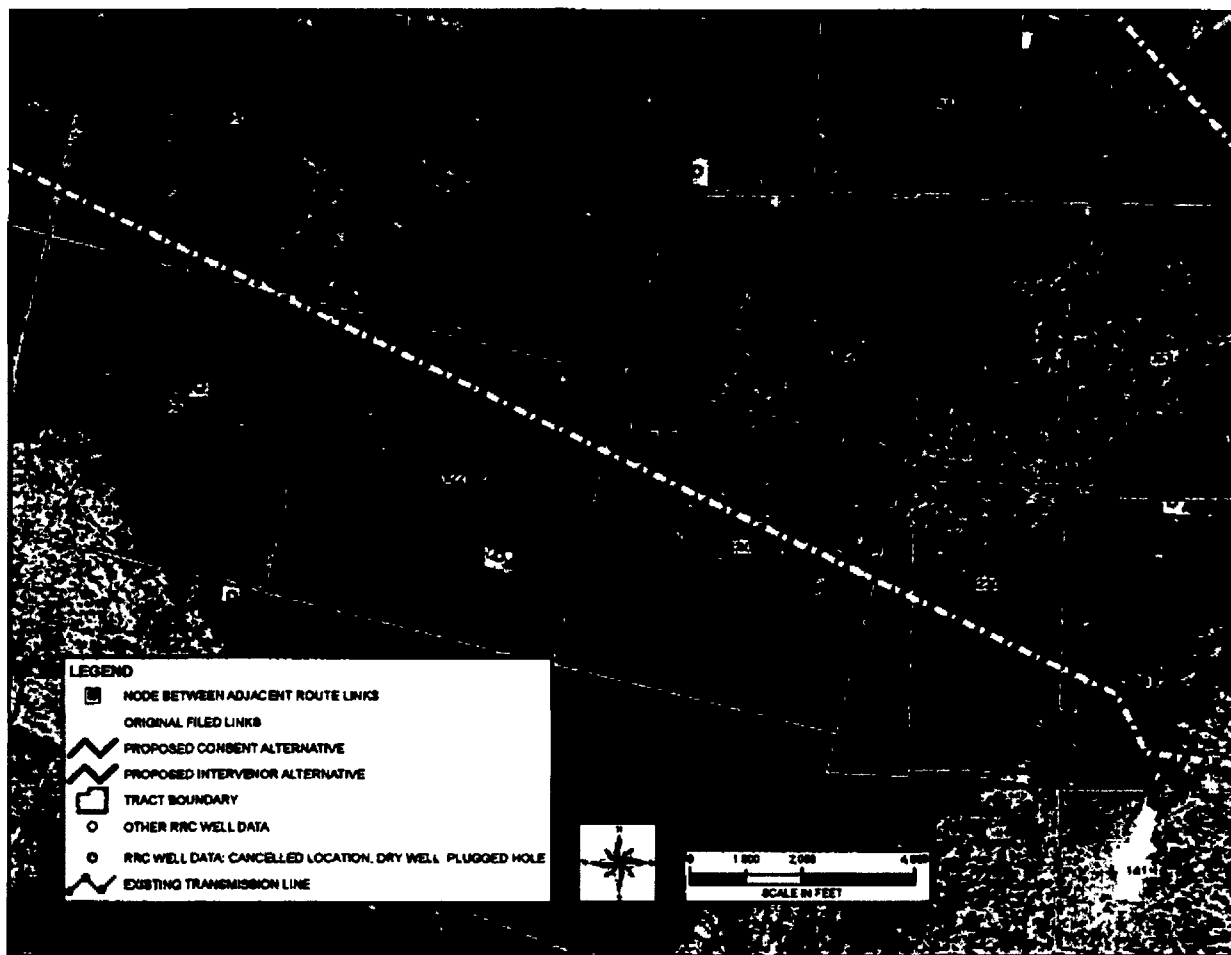


Exhibit B



COG OPERATING LLC
EX. 5-J7-2
J1/J7 Surface Landowner Consent Form

PUCT Docket No. 48785
PROPOSED ROUTE MODIFICATIONS CONSENT AGREEMENT
(Link J1/J7 Barking Dog Properties Portion)

This document provides consent of the undersigned landowner (Landowner) to modifications to a potential route to construct a 345 kV transmission line in a pending application of Oncor Electric Delivery Company LLC (Oncor) and AEP Texas Inc. (AEP) for a certificate of convenience and necessity filed with the Public Utility Commission of Texas (PUCT).

Landowner is executing this document at the request of COG Operating LLC, a wholly-owned subsidiary of Concho Resources Inc. (together, Concho). Landowner acknowledges Concho proposes or supports modifications (Proposed Modifications) to Links J1/J7, which Oncor and AEP proposed in their application in PUCT Docket No. 48785.

Landowner affirms Landowner owns the land underlying the Proposed Modifications depicted in Exhibit A attached to this agreement. Oncor's and AEP's proposed Links J1/J7 are indicated by a yellow line in Exhibit A. Landowner acknowledges the Proposed Modifications would cause Links J1/J7 to be constructed along the blue line depicted in Exhibit A. If the PUCT approves a route including Links J1/J7, Landowner prefers for Oncor and AEP to route the to-be-constructed electric transmission line along the path following the blue line depicted in Exhibit A.

Oncor and AEP will only construct a transmission line using the Proposed Modifications if the PUCT approves in Docket No. 48785 a route including Links J1/J7 and the Proposed Modifications.

Landowner agrees Concho may file this agreement with the PUCT as evidence of Landowner's notice of, and agreement and consent to, the Proposed Modifications and location of the to-be-constructed transmission line if the PUCT approves a route containing Links J1/J7 and the Proposed Modifications. This agreement does not grant an easement or construction rights.

This document may be performed in separate counterparts.

Landowner, Barking Dog Properties

909 Findlay Dr.

Arlington, Texas 76012:

By: Michael M. Miller

June 4, 2019

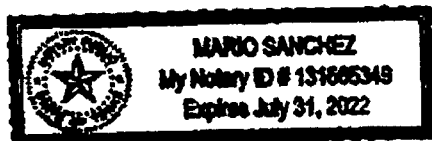
Name: Michael M. Miller

Date

Title: President

SUBSCRIBED AND SWORN TO before me by Michael Miller on this 4 day of

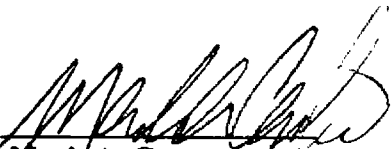
June, 2019.



[Signature]
Notary Public

COG OPERATING LLC

By:


Mark A. Carter
Attorney-in-Fact

STATE OF TEXAS

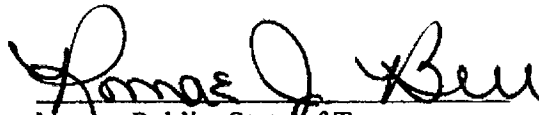
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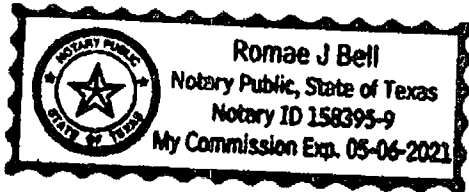
§

COUNTY OF MIDLAND

§

This instrument was acknowledged before me on June 4, 2019 by **Mark A. Carter, Attorney-in-Fact for COG Operating LLC**, a Delaware limited liability company, on behalf of said limited liability company.


Notary Public, State of Texas



J1-J7 Modification

Michael H. King, Barling Dog
Properties, 909 Findlay Dr.
Austin, TX 78012

Collet Enterprises

Hicks Ranch